IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE TWENTY THIRD DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

HON'BLE SRI DEVINDER GUPTA,

CHIEF JUSTICE

and
HON'BLE SRI JUSTICE C.V.RAMULU

WRIT APPEAL NO : 1022 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 29/06/2004 in WVMP.No.1442 of 2004 and WPMP.No.9426 of 2004 in WP NO : 7231 OF 2004 on the file of the High Court.)

Between:

Triveni Educational Society rep., by its President, Achampet, Mahabubnagar District.

..... APPELLANT

AND

1 State of Andhra Pradesh rep., by its Principal Secretary to Government, Education Department,
Secretariat, Saifabad, Hyderabad.
2 The Board of Intermediate Education, Andhra Pradesh, Hyderabad rep., by its Secretary.
3 Gurram Pragathi Educational Society, Hyderabad rep., by its Correspondent
4 Sri Satya Sai Educational Society, Kollapur, Mahabubnagar District.

.....RESPONDENTS

Counsel for the Appellant: MR.D.V.SITARAMAMURTHY

Counsel for the Respondents 1 & 2: G.P. for Higher Education.

Counsel for the respondent No.3 : Mr. D. Prakash Reddy for Mr. D. Jagan Mohan Reddy.

Counsel for the respondent No.4: None appeared.

The Court made the following :

ORAL JUDGMENT:

(Per Hon'ble The Chief Justice)

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1. Petitioner, which is a rival educational institution, questioned the action of respondent Nos.1 and 2 in having permitted respondent No.4 to shift its Junior College to Atchampet, Mahabubnagar, where petitioner was already having a Junior College, on number of grounds. Initially learned single Judge granted interim order suspending G.O.Rt.No.94, dated 10.02.2004. But when affidavit in reply was filed by the contesting respondent, order was vacated. Said order is under challenge in this appeal.

2. We have heard counsel for the parties. We do not, at this stage, go into the merits in the writ petition. Learned single Judge for cogent reasons came to the conclusion that it was not a case for continuing with the interim order and

moreover we are informed that students have already been admitted into the institution of the contesting respondent after the impugned G.O., was implemented by the contesting respondent by shifting the Junior College to Atchampet. Allowing the appeal and continuing the stay order would have the effect of vitally affecting the career of the student community and for that reason alone, we are of the view that there is no interference in such like matters even if we might have come to a different conclusion. The conclusion arrived at by the learned single Judge is a plausible one which can be taken while deciding the interim application.

3. Learned counsel for the appellant submits that one of the grounds on which application was rejected was locus standi of the petitioner which might affect the petitioner in continuing with its writ petition.

4. Needless to add that such observations made by the learned single Judge that petitioner has no locus standi to question the G.O., was only taken as a ground for vacating the interim order and cannot affect the merits of the case when writ petition would come up for hearing.

5 . Accordingly, we dismiss the appeal observing that observation of the learned single Judge that petitioner

has no locus standi to maintain the writ petition will not come in the way of the petitioner in continuing with the writ petition and learned single Judge will also take his own decision on merits on that aspect also. Writ petition be posted before the learned single Judge on 04.10.2004. No costs.

DEVINDER GUPTA. C.J.,

C.V. RAMULU. J.,

Dated: 23.08.2004.

VRK.

To

1 The Principal Secretary to Govt., State of Andhra Pradesh, Education Department,
Secretariat, Saifabad, Hyderabad.
2 The Secretary, Board of Intermediate Education, Andhra Pradesh, Hyderabad.
3 The Correspondent, Gurram Pragathi Educational Society, Hyderabad.
4 The Secretary, Sri Satya Sai Educational Society, Kollapur, Mahabubnagar District.

5. Two CCs to G.P. for Higher Education, High Court of A.P., Hyderabad (OUT).

6. Two CD copies.

HON'BLE SRI DEVINDER GUPTA,

CHIEF JUSTICE

AND

HON'BLE SRI JUSTICE C.V. RAMULU.

W.A.NO. 1022 OF 2004.

(Judgment of the Bench delivered by

Hon'ble The Chief Justice)

Dt: 23.08.2004.